

ORDINANCE _____

AN ORDINANCE relating to land use and zoning, establishing procedures for application of Incentive Provisions for affordable housing; amending sections 23.30.010; 23.34.008; 23.40.020; 23.45.502; 23.45.510; 23.47A.002; 23.47A.013; 23.58A.002; 23.86.018 and adding new Sections 23.58A.025; 23.58A.026, and 23.58A.028.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.30.010 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

23.30.010 Classifications for the purpose of this subtitle((=))

~~((All land within the City shall be classified as being within one (1) land use zone.))~~

A. General Zoning Designations. The zoning classification of land shall include one of the designations in this subsection 23.30.010.A. Only in the case of land designated "RC" the classification shall include both "RC" and one additional designation in this subsection 23.30.010. A, which shall be a designation for a multifamily zone.

Zoning Designation	Abbreviated
Residential, Single-family 9,600	SF 9600
Residential, Single-family 7,200	SF 7200
Residential, Single-family 5,000	SF 5000
Residential Small Lot	RSL
Residential, Multifamily, Lowrise 1	LR1
Residential, Multifamily, Lowrise 2	LR2
Residential, Multifamily, Lowrise 3	LR3
Residential, Multifamily, Midrise	MR
Residential, Multifamily, Highrise	HR
Residential-Commercial	RC
Neighborhood Commercial 1	NC1
Neighborhood Commercial 2	NC2
Neighborhood Commercial 3	NC3
Seattle Mixed	SM
Commercial 1	C1

Zoning Designation	Abbreviated
Commercial 2	C2
Downtown Office Core 1	DOC1
Downtown Office Core 2	DOC2
Downtown Retail Core	DRC
Downtown Mixed Commercial	DMC
Downtown Mixed Residential	DMR
Pioneer Square Mixed	PSM
International District Mixed	IDM
International District Residential	IDR
Downtown Harborfront 1	DH1
Downtown Harborfront 2	DH2
Pike Market Mixed	PMM
General Industrial 1	IG1
General Industrial 2	IG2
Industrial Buffer	IB
Industrial Commercial	IC

B. Suffixes--Height Limits (~~((and))~~) , Letters and Incentive Provisions.

The zoning classification for land subject to some of the designations in subsection 23.30.010.A (~~((of this section may))~~) include one (~~((+))~~) or more numerical suffixes indicating height limit(s) or a range of height limits, or one or more letter suffixes indicating certain overlay districts or designations, or numerical suffixes enclosed in parentheses indicating the application of incentive zoning provisions, (~~((or both))~~) or any combination of these. A letter suffix may be included only in accordance with provisions of this title expressly providing for the addition of the suffix. A zoning classification that includes a numerical or letter suffix or (~~((both))~~) other combinations denotes a different zone than a zoning classification without any suffix or with additional, fewer or different suffixes. Except where otherwise specifically stated in this title or where the context otherwise clearly requires, each reference in this title to any zoning designation in subsection 23.30.010.A (~~((of this section))~~) without a suffix, or with fewer than the

maximum possible number of suffixes, includes any zoning classifications created by the addition to that designation of one or more suffixes.

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Section 2. Section 23.34.008 of the Seattle Municipal Code, which section was last amended by Ordinance 121700, is amended as follows:

23.34.008 General Rezone Criteria

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J. Incentive Provisions. If the area is located in a zone with an incentive zoning suffix a rezone altering or removing the incentive zoning suffix shall be approved only if one of the following conditions are met:

1. The rezone includes incentive zoning provisions that would provide an equal or greater amount of affordable housing; or

2. An adopted City housing policy, comprehensive plan policy, or neighborhood plan policy deems the area not a priority area for affordable housing, or as having an adequate existing supply of affordable housing in the immediate vicinity.

* * *

Section 3. Section 23.40.020 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is further amended as follows:

23.40.020 Variances

A. Variances may be sought from the provisions of Subtitle III, Divisions 2 and 3 of this Land Use Code, except for the establishment of a use that is otherwise not permitted in the zone in which it is proposed, for a structure height in excess of that shown on the Official Land Use

Map, from the provisions of Section 23.55.014.A, or from the provisions of Chapters 23.52 and
23.58A. Applications for prohibited variances shall not be accepted for filing.

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Section 4. Section 23.45.502 of the Seattle Municipal Code, which section was last
amended by Ordinance 123495, is amended as follows:

23.45.502 Scope of provisions

A. This Chapter 23.45 establishes regulations for the following multifamily zones:

Lowrise 1 (LR1);

Lowrise 2 (LR2);

Lowrise 3 (LR3);

Midrise (MR) (references to Midrise zones include the Midrise/85 (MR/85) zone
unless otherwise noted); and

Highrise (HR).

B. Multifamily zones listed in subsection 23.45.502.A and having an incentive zoning
suffix are subject to this Chapter 23.45 and Chapter 23.58A, Incentive Provisions.

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Section 5. Section 23.45.510 of the Seattle Municipal Code, which section was last
amended by Ordinance 123564, is amended as follows:

23.45.510 Floor Area Ratio (FAR) Limits

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B. FAR limits in LR zones.

Floor area ratio limits apply in LR zones as shown in Table A for 23.45.510-, provided
that if the LR zone designation includes an incentive zoning suffix, then the provisions of
Chapter 23.58A, Incentive Provisions, shall be satisfied to obtain gross floor area exceeding
that allowed by the FAR shown in the suffix designation.

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Section 6. Section 23.47A.002 of the Seattle Municipal Code, which section was last
amended by Ordinance 123046, is amended as follows and the code reviser is directed to reletter
subsequent subsections:

23.47A.002 Scope of provisions

A. This chapter describes the authorized uses and development standards for the
following commercial zones:

Neighborhood Commercial 1 (NC1),

Neighborhood Commercial 2 (NC2),

Neighborhood Commercial 3 (NC3),

Commercial 1 (C1),

Commercial 2 (C2).

B. Commercial zones listed in subsection 23.47A.002.A and having an incentive
zoning suffix are subject to this Chapter 23.47A and Chapter 23.58A, Incentive Provisions.

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Section 7. Section 23.47A.013 of the Seattle Municipal Code, which section was last
amended by Ordinance 123564, is further amended as follows:

23.47A.013 Floor area ratio

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B. Except as provided in subsections (~~(C, D and E of this section)~~) 23.47A.013.C, 23.47A.013.D, and 23.47A.013.E, maximum FAR allowed in C zones and NC zones is shown in Table A for 23.47A.013((-)), provided that if the commercial zone designation includes an incentive zoning suffix, then the provisions of Chapter 23.58A, Incentive Provisions, shall be satisfied to obtain gross floor area exceeding that allowed by the FAR shown in the suffix designation.

C. Maximum FAR allowed in NC zones or C zones within the Station Area Overlay District is shown in Table B for 23.47A.013 ((-)) provided that if the commercial zone designation includes an incentive zoning suffix, then the provisions of Chapter 23.58A, Incentive Provisions, shall be satisfied to obtain gross floor exceeding that allowed by the FAR shown in the suffix designation.

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Section 8. Section 23.58A.002 of the Seattle Municipal Code, which section was last amended by Ordinance 123589, is amended as follows:

23.58A.002 Scope of chapter; general rules

A. This chapter contains rules for workforce housing and other incentive programs in areas for which the provisions of the zone specifically refer to this chapter or in areas where an incentive zoning suffix is included on the official land use map. This chapter does not apply to Downtown zones, except in South Downtown. The provisions in this chapter specify conditions under which extra floor area may be allowed, as exceptions to the otherwise applicable floor area or base height limit, or both, subject to the maximum limits stated in the provisions of the zone

1 and to all other applicable requirements and approvals. Nothing in this chapter authorizes
2 allowance of extra floor area, or the construction or use of any structure, contrary to any other
3 provisions of this Title 23 or Title 25. Projects for which extra floor area is sought may be
4 subject to conditions under other chapters and titles of this Code, including without limitation
5 conditions imposed pursuant to Chapter 25.05, Environmental Policies and Procedures.

6 B. The provisions of this subchapter I apply generally to projects using any of the
7 incentive provisions in this Chapter 23.58A, unless otherwise expressly provided in the
8 applicable subchapter of this Chapter 23.58A or in the provisions of the zone.
9

10 C. Nothing in this Chapter 23.58A shall be construed to confer on any owner or
11 developer any development rights or property interests. The availability and terms of any
12 allowance of extra floor area depend on the regulations in effect on the relevant date for
13 consideration of a permit application for the project proposing to use such extra floor area,
14 pursuant to Section 23.76.026, notwithstanding any prior approvals, interpretations or
15 agreements by the Director, Housing Director or other official regarding the eligibility of any
16 actual or proposed facility or feature to satisfy conditions for extra floor area.
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20 Section 9. A new Subchapter IV is added to Chapter 23.58A of the Seattle Municipal
21 Code, which includes new Sections 23.58A.025, 23.58A.026, and 23.58A.028 as follows:

22 **Subchapter IV Extra Floor Area In Zones With An Incentive Zoning Suffix**

23 **23.58A.025 Scope of subchapter**

24 This subchapter IV includes provisions under which applicants may gain extra floor area
25 for development in zones with an incentive zoning suffix.
26

23.58A.026 Application of floor area limits in zones with an incentive zoning suffix

In zones with an incentive zoning suffix, extra floor area may be allowed in addition to the maximum gross floor area allowed by the FAR limit indicated by the incentive zoning suffix. All extra floor area shall be considered extra residential floor area regardless of the use. Extra floor area may be gained up to the maximum non-exempt gross floor area allowed by the FAR limit of the applicable Commercial or Lowrise Multifamily zone. Subchapter II provisions under which applicants may gain extra residential floor area shall apply.

23.58A.028 Application of incentive zoning in legislative rezones

A. When the City Council approves a Type V legislative rezone pursuant to Section 23.76.062, the Council may elect to apply the incentive zoning provisions of this chapter to all or part of the area being rezoned. If the Council decides to apply this chapter, then the maximum floor area ratio permitted within the area subject to this chapter is the floor area ratio of the previous zone, as described in subsection 23.58A.028.B below, unless the applicant for project approval gains additional floor area ratio pursuant to this chapter.

B. For the sole purpose of establishing base FAR and/or base residential floor area under this chapter, the following shall be applied as the base FAR and/or base residential FAR when rezoning from one of the following designations:

1. Single-Family zones: .75
2. Lowrise 1 Zones: 1.2
- 3 Lowrise 2 Zones: 1.3
4. Lowrise 3 Zones:

a. Outside urban centers, urban villages, and the Station Area Overlay

District: 1.6

b. Inside urban centers, urban villages, and the Station Area Overlay

District: 2.0

5. Commercial zones as shown in Table A for 23.58A.028.

Table A for 23.58A.028			
Base FAR outside of the Station Area Overlay District			
	Height Limit		
	30'	40'	65'
	Base FAR		
1.	2.25	3	4.25
Base FAR in the Station Area Overlay District			
	Height Limit		
	30'	40'	65'
	Base FAR		
2.	3	4	5.75

6. Within an overlay district, other than the Station Area Overlay District, where Overlay District provisions related to FAR prevail over the FAR provisions of the underlying zone, the Overlay provisions shall be used to establish the Base FAR and/or Base Residential Floor Area.

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Section 10. Section 23.84A.018 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

23.86.018 “I((:))”

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Incentive zoning suffix means a modification to a zoning designation listed in Section 23.30.010. The designation is indicated by a listed zoning designation followed by a number in parentheses that establishes base FAR and/or base residential FAR for purposes of application of Chapter 23.58A, Incentive Provisions.

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Passed by the City Council the ____ day of _____, 2011, and
signed by me in open session in authentication of its passage this
____ day of _____, 2011.

President _____ of the City Council

Approved by me this ____ day of _____, 2011.

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2011.

Monica Martinez Simmons, City Clerk

(Seal)